

Appl. No. 09/727,098
Amd. Dated March 3, 2005
Reply to Office Action of January 28, 2005

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Final Office Action dated January 28, 2005 is respectfully requested.

Claims 1-9, 22-24 and 26-30 are pending. Claims 1-4, 22, 23, and 26-28 have been allowed. Claims 5-8, 24, 29, and 30 have been rejected. Claim 9 has been objected to.

Claim 27 has been amended per a request by the Examiner as set forth on page 2 of the Final Office Action.

Allowable Subject Matter

The Examiner has indicated that claims 1-4, 22, 23, and 26-28 are allowable over the cited art, and that claim 9 would be allowable if rewritten in independent form including all of the limitations of its base claim and any intervening claims. As the Applicant is of the belief that claim 5, from which claim 9 depends, is allowable over the cited art, the Applicant has chosen not to rewrite claim 9 in independent form at this time.

Rejections under 35 U.S.C. § 102(e) of Claims 5-8, 24, 29 and 30

Claims 5-7, 24, 29, and 30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,077, issued March 26, 2002 to Wong et al. (hereinafter "Wong"). Claim 8 has been rejected 35 U.S.C. § 102(e) as being unpatentable over Wong in view of U.S. Patent No. 6,351,775 issued February 26, 2002 to Yu (hereinafter "Yu").

Independent claim 5 recites a method of load balancing a packet that includes receiving a packet at a router having an associated identifier. Claim 5 also recites that the identifier

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associated with a router is utilized with source and destination addresses to select an output path.

The Examiner has argued that Wong teaches of a router having an associated identifier at lines 4-16 of column 5, and further that Wong teaches of using the identifier associated with the router to select an output path at lines 12-19 of column 6. The Applicant respectfully submits that claim 5 requires that a router has an associated identifier, and that contrary to the Examiner's assertion on pages 5 and 6 of the Final Office Action, Wong does not teach that a router has an associated identifier. The Applicant is unable to locate a passage of Wong which states that "packets are received at a source device with a source port ID" as alleged by the Examiner, but notes that such a source would be either a server or a client and not a router, as Wong teaches that a packet is received from a source device which is a server or a client (Wong, column 5 at lines 4-5). The destination port ID value taught by Wong appears to be associated with a destination such as a client or a server, and not with a router (or a routing unit 180 of Wong). It is respectfully submitted that Wong does not appear to teach or even remotely suggest that a router, as for example routing unit 180 of Wong, has an associated identifier, or that an identifier associated with a router is used to select an output path. As such, the Applicant submits that a prima facie case of anticipation has not been established, and submits that claim 5 and its dependents are allowable over the cited art for at least this reason.

Independent claims 24 and 29 recite similar limitations as those recited in claim 5 and are, therefore, each believed to be allowable for at least the reasons set forth above with respect to claim 5. Since claim 30 depends directly from claim 29, claim 20 is also believed to be allowable for at least the reasons discussed above with respect to claim 5.

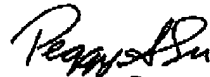
Conclusion

For at least the foregoing reasons, the Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone

Appl. No. 09/727,098
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conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8690.

Respectfully submitted,



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